

## REMARKS

### **I.     Introduction**

Claims 17, 19-25 and 27-36 are currently pending in the present application after cancellation of claims 18 and 26. Claims 17, 19, 25, 27, 29 and 32 have been amended. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration of the present application is respectfully requested.

### **II.    Rejection of Claims 17-36 Under 35 U.S.C. § 103(a)**

Claims 17-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,650,981 B2 ("Sekizuka") in view of U.S. Patent Application Publication No. 2001/0040065 A1 ("Takagi"). Claims 18 and 26 have been canceled. Applicants submit that claims 17, 19-25 and 27-36 are allowable over Sekizuka and Takagi, for at least the following reasons.

In order for a claim to be rejected for obviousness under 35 U.S.C. § 103(a), not only must the prior art teach or suggest each element of the claim, the prior art must also suggest combining the elements in the manner contemplated by the claim. See Northern Telecom, Inc. v. Datapoint Corp., 908 F. 2d 931, 934 (Fed. Cir. 1990); In re Bond, 910 F. 2d 831, 834 (Fed. Cir. 1990). The Examiner bears the initial burden of establishing a prima facie case of obviousness. The Examiner must show, inter alia, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. See M.P.E.P. §2143. To the extent that the Examiner may be relying on the doctrine of inherent disclosure for the anticipation rejection, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art." (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Amended claim 17 recites, in relevant parts, "an impact detection unit . . . wherein, in the event of an impact, the impact detection unit generates a request signal for the restraining unit, **the request signal corresponding to a type of impact** that has been

detected; a rotation detection unit . . . , wherein the rotation detection unit generates a **status signal corresponding to a rotational motion status**; and a circuit generating the triggering signal for the restraining unit, wherein **the circuit combines the request signal and the status signal in generating the triggering signal**, whereby information regarding one of a possible occurrence and the existence of a **rotational motion is considered** in triggering the restraining unit, and wherein the circuit includes at least one **hold element** determining a period of time during which **no triggering signal may be generated when a critical rotational motion of the vehicle has been detected**.” Amended independent claim 25 recites substantially similar method features corresponding to the above-recited features of amended claim 17, i.e., claim 25 recites that “the information regarding one of the possible occurrence of a rotational motion and the existence of a rotational motion of the vehicle is analyzed to determine whether a critical rotational motion exists, and wherein, in the event of an impact, the restraining unit is blocked from being triggered for a selected period of time  $t_{stop}$  when a critical rotational motion exists.”

In support of the rejection, the Examiner contends that: a) Sekizuka teaches a roll rate sensor (22) and a circuit (10) that processes the signal received from said sensor; b) Takagi teaches a “system for generating a triggering signal including a collision sensor (9) for detecting a collision, [and] in the event of collision, said sensor generates a signal input to the controller (11)”;

and c) it would have been obvious to “modify the system as taught by Sekizuka et al. to include the teachings of Takagi et al. in order to properly deploy a safety device when a collision occurred.” (Office Action, p. 3). However, even if one assumes for the sake of argument that there is some motivation for combining the teachings Sekizuka and Takagi, which is not true, the combined teachings of Sekizuka and Takagi clearly fail to suggest the feature of “at least one **hold element** determining a period of time during which **no triggering signal may be generated when a critical rotational motion of the vehicle has been detected**,” as recited in claim 17, and the feature that “**the restraining unit is blocked from being triggered for a selected period of time  $t_{stop}$  when a critical rotational motion exists**,” as recited in claim 25. Nothing in either Sekizuka or Takagi even remotely suggests these claimed features of claims 17 and 25. Accordingly, claims 17 and 25, as well as their dependent claims 19-24 and 27-36, are clearly not rendered obvious by the combination of Sekizuka and Takagi.

Independent of the above, the Examiner's contention that it would have been obvious to "modify the system as taught by Sekizuka et al. to include the teachings of Takagi et al. in order to properly deploy a safety device when a collision occurred" is simply unsupported by the actual teachings of the applied references and the common knowledge in the art. Sekizuka discloses a control system for controlling a vehicle side air-bags, which control system controls the deployment of the side air-bags based on detection of a roll-over condition by evaluating the roll rate and the lateral acceleration. (See, e.g., Fig. 12). However, Sekizuka has nothing to do with deploying any restraint unit based on detection of an impact or a collision, and detection of such impact or collision has no relevance to how the side air-bags are deployed. Furthermore, the system of Takagi deals with detecting a rear end collision to control the deployment of "a seat belt system to restrain the head . . . or to straighten the spine of the seat occupant to protect the neck against impending impact." (See, e.g., Abstract). Accordingly, Sekizuka and Takagi address deployment of completely different restraint devices (side air-bag vs. a seat belt) based on completely different trigger factors (roll-over for the side air-bags vs. a rear end collision for the seat belt), and therefore the overall teachings of Sekizuka and Takagi simply do not suggest combining the different trigger factors for determining the trigger decision of a single restraint unit, i.e., "a circuit generating the triggering signal for the restraining unit, wherein **the circuit combines the request signal [corresponding to a type of impact] and the status signal [corresponding to a rotational motion status] in generating the triggering signal for the restrain unit.**" Accordingly, there is no motivation to combine the teachings of Sekizuka and Takagi in an attempt to arrive at the claimed invention, and the overall teachings of Sekizuka and Takagi simply do not suggest all the claimed features of independent claims 17 and 25.

For at least the foregoing reasons, claims 17 and 25, as well as their dependent claims 19-24 and 27-36, are not rendered obvious by the combination of Sekizuka and Takagi.

**Conclusion**

It is therefore respectfully submitted that the pending claims 17, 19-25 and 27-36 are allowable. All issues raised by the Examiner have been addressed, and an early and favorable action on the merits is solicited.

Respectfully submitted,

 (R. No. 36,197)

Dated: November 27, 2006

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